

REMARKS

Claims 1, 12, 13, 28 and 29 are presented for consideration, with Claims 1, 12 and 13 being independent. The election of these claims, belong to Group I, Species 5, is hereby affirmed.

The independent claims have been amended to further distinguish Applicants' invention from the cited art. In addition, Claims 28 and 29 have been added to provide an additional scope of protection. Claims 6 and 14-27 have been cancelled.

Applicants are submitting concurrently herewith a Request for Approval of Drawing Amendments, in which Figures 10 and 24 have been amended as requested in paragraph 3 of the Office Action. Approval of the drawing changes is respectfully requested.

Claims 1, 6, 12 and 13 stand rejected under 35 U.S.C. § 103 as allegedly being obvious over Barton '818 in view of Rhodes '377. This rejection is respectfully traversed.

Applicants' invention as set forth in Claim 1 relates to a data processing apparatus comprised of detection means for detecting whether an illegal process has been performed for input digital contents on the basis of a result obtained by performing a predetermined operation for at least a part of the digital contents, and embedding means for, when the detection means detects that the illegal process has been performed, embedding a visible or invisible digital watermark to the digital contents. As claimed, the result is a result indicating whether a digital watermark is correctly embedded to the digital contents, and wherein when the digital watermark is not correctly embedded it is judged that an illegal process has been performed on the digital contents.

Claims 12 and 13 relate to a data processing method and a storage medium on which a computer readable program is stored, respectively, and correspond to Claim 1.

These claims have thus been amended to include an embedding step of, when it is detected that an illegal process has been performed, embedding a visible or invisible digital watermark to the digital contents.

Support for the amendments to the claims can be found, for example, in Figure 22, and the corresponding specification beginning on page 47, line 27. In accordance with Applicants' claimed invention, when it is detected that a digital watermark is not correctly embedded, a visible or invisible digital watermark is embedded to the digital contents. In this manner, the input digital contents are reliably embedded with a digital watermark.

The primary citation to Barton relates to a method and apparatus for embedding authentication data within digital data so as to avoid detection. Barton compares digital signatures to determine whether the input data has been altered. As acknowledged in the Office Action, Barton does not perform a predetermined process when an illegal process is detected.

The secondary citation to Rhodes was cited to compensate for the deficiencies in Barton. Rhodes relates to a method and system for watermark processing. As disclosed, forensic tracer data can be inserted as shown in Figure 7. As understood, however, Rhodes does not teach or suggest, inter alia, embedding a digital watermark when it is detected that a digital watermark is not correctly embedded in the digital contents. Instead, in Rhodes the tracer data is inserted when embedded watermark data is detected.

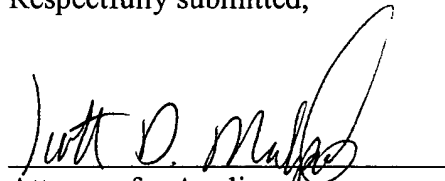
Accordingly, without conceding the propriety of combining Barton and Rhodes in the manner proposed in the Office Action, it is submitted that such a combination still fails to teach or suggest Applicants' invention. Therefore, reconsideration and withdrawal of the rejection under 35 U.S.C. § 103 is deemed to be in order and such action is respectfully requested.

Accordingly, it is submitted that Applicants' invention as set forth in independent Claims 1, 12 and 13 is patentable over the cited art. In addition, dependent Claims 28 and 29 set forth additional features of Applicants' invention. Independent consideration of the dependent claims is respectfully requested.

For the foregoing reasons, Applicant submits that this application is in condition for allowance. Favorable reconsideration, withdrawal of the rejections set forth in the above-mentioned Office Action, and an early Notice of Allowance are requested.

Applicants' undersigned attorney may be reached in our Washington, D.C. office by telephone at (202) 530-1010. All correspondence should be directed to our below-listed address.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Scott D. Malpede", is written over a horizontal line.

Attorney for Applicants
Scott D. Malpede
Registration No. 32,533

FITZPATRICK, CELLA, HARPER & SCINTO
30 Rockefeller Plaza
New York, New York 10112-3801
Facsimile: (212) 218-2200

SDM/BLK/lmj

DC_MAIN 119271 v 1